

SENATE BILL No. 524

DIGEST OF INTRODUCED BILL

Citations Affected: IC 15-3-3.7.

Synopsis: Pesticide use by schools and day care centers. Requires the Indiana pesticide review board to develop guidelines for day care centers, preschools, public schools, and nonpublic schools to follow in developing integrated pest management systems. Requires the governing body of a day care center, preschool, or school to designate a contact person. Requires the contact person to provide certain information about pesticide use to each student, a parent or guardian of each student, and each staff member. Requires the contact person to keep a pesticide notification list and to notify each person on the list not less than 48 hours before a planned use of pesticides and not more than 24 hours after an emergency use of pesticides. Requires the
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Effective: Upon passage; July 1, 1999.

Simpson

January 19, 1999, read first time and referred to Committee on Environmental Affairs.



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Digest Continued

governing body to provide an opportunity for the contact person to answer questions about the integrated pest management system at a public meeting. Requires the department of education to notify schools of the need to adopt an integrated pest management system.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 524

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 15-3-3.7 IS ADDED TO THE INDIANA CODE
- 2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 1999]:
- 4 **Chapter 3.7. Integrated Pest Management**
- 5 **Sec. 1. This chapter shall be administered by the state chemist.**
- 6 **Sec. 2. This chapter applies to the following:**
- 7 (1) A day care center.
- 8 (2) A preschool.
- 9 (3) A school.
- 10 **Sec. 3. As used in this chapter, "board" refers to the Indiana**
- 11 **pesticide review board established by IC 15-3-3.5-12.**
- 12 **Sec. 4. As used in this chapter, "contact person" means an**
- 13 **individual designated by the governing body of a day care center,**
- 14 **preschool, or school to carry out the actions described in section**
- 15 **20(b) of this chapter.**



1 **Sec. 5.** As used in this chapter, "crack and crevice treatment"
 2 means the application of small amounts of a pesticide in a building
 3 into openings such as those commonly found at expansion joints,
 4 between levels of construction, and between equipment and floors.

5 **Sec. 6.** As used in this chapter, "day care center" means a day
 6 care center licensed under IC 12-17.2.

7 **Sec. 7.** As used in this chapter, "emergency" means a sudden
 8 need to mitigate or eliminate a pest that threatens the health or
 9 safety of a student or staff member of a facility.

10 **Sec. 8.** As used in this chapter, "facility" means a day care
 11 center, preschool, or school.

12 **Sec. 9.** As used in this chapter, "governing body" means the
 13 following:

14 (1) The governing body of a school corporation (as defined in
 15 IC 20-10.1-1-5).

16 (2) The governing body of a nonpublic school.

17 (3) The licensee of a day care center licensed under
 18 IC 12-17.2.

19 (4) The organization that operates a preschool child care
 20 program defined in IC 12-17-13-3.

21 **Sec. 10.** As used in this chapter, "integrated pest management"
 22 means a managed pest control program intended to minimize the
 23 use of pesticides and the risk to human health and the environment
 24 associated with pesticide application by integrating and using the
 25 following methods to keep pests from causing economic, health
 26 related, or aesthetic injury:

27 (1) Site inspections.

28 (2) Pest population monitoring.

29 (3) Evaluation of the need for control.

30 (4) One (1) or more pest control methods including:

31 (A) sanitation;

32 (B) structural repair;

33 (C) nonchemical methods; and

34 (D) when nontoxic options are unreasonable or have been
 35 exhausted, pesticides.

36 **Sec. 11.** As used in this chapter, "material safety data sheet" has
 37 the meaning set forth in IC 13-11-2-128.

38 **Sec. 12.** (a) As used in this chapter, "pesticide" means any
 39 substance or mixture of substances intended for use as follows:

40 (1) To prevent, destroy, repel, or mitigate any pest infestation.

41 (2) To act as a plant growth regulator, defoliant, or desiccant.

42 (3) To act as a spray adjuvant such as a wetting agent or an

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1 adhesive.

2 (b) The term does not include an antimicrobial agent used for
3 cleaning purposes, such as a disinfectant, sanitizer, or deodorizer.

4 Sec. 13. As used in this chapter, "preschool" means a preschool
5 child care program defined in IC 12-17-13-3.

6 Sec. 14. As used in this chapter, "school" includes the following:

7 (1) A public school (as defined in IC 20-10.1-1-2).

8 (2) A nonpublic school (as defined in IC 20-10.1-1-3).

9 Sec. 15. (a) As used in this chapter, "space spraying" means the
10 application of a pesticide by discharge into the air throughout an
11 area.

12 (b) The term does not include crack and crevice treatment.

13 Sec. 16. (a) As used in this chapter, "staff member" means an
14 employee of a facility. The term includes administrators, teachers,
15 and other support personnel.

16 (b) The term does not include the following:

17 (1) A certified applicator (as defined in IC 15-3-3.6-2(5)).

18 (2) A registered technician (as defined in IC 15-3-3.6-2(36)).

19 (3) A person assisting a person described in subdivision (1) or
20 (2) with the application of a pesticide.

21 Sec. 17. As used in this chapter, "universal notification" means
22 a written notice provided by the contact person of a facility to:

23 (1) each student;

24 (2) a parent or guardian of each student; and

25 (3) each staff member;

26 of the facility.

27 Sec. 18. The board shall establish guidelines for a facility to
28 follow when it implements an integrated pest management system.

29 Sec. 19. A governing body shall develop and implement an
30 integrated pest management system that complies with the
31 guidelines established under section 18 of this chapter for each of
32 its facilities.

33 Sec. 20. (a) The governing body of each facility shall designate
34 a contact person for each facility. A contact person may serve as
35 the contact person for more than one (1) facility.

36 (b) The contact person shall do the following:

37 (1) Act as a contact for inquiries about the facility's integrated
38 pest management system.

39 (2) Maintain the material safety data sheets and labels for all
40 pesticides that the facility:

41 (A) uses; or

42 (B) anticipates using if needed.

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(3) Maintain records of pesticide application in the buildings or on the grounds for the facility for at least three (3) years.

(4) Implement universal notification procedures as required under this chapter.

(5) Develop and maintain the pesticide notification list as required under section 22 of this chapter.

Sec. 21. (a) The contact person shall include notice of the facility's integrated pest management system in the school calendar or other universal notification as follows:

(1) At the beginning of each school year, for a facility that is closed for at least one (1) month a year.

(2) One (1) time each year for a facility that is open twelve (12) months a year.

(b) The notice must include the following:

(1) A statement that explains the facility's integrated pest management system and lists all pesticides or bait stations that the facility:

(A) uses; or

(B) anticipates using if needed;

in the building or on the grounds as part of the integrated pest management system.

(2) The name, address, and telephone number of the contact person.

(3) A statement that:

(A) the contact person maintains the product label or material safety data sheet of each pesticide or bait station that the facility uses or anticipates using if needed in buildings and on the grounds;

(B) the label or data sheet is available for review by a:

(i) student;

(ii) parent or guardian of a student; or

(iii) staff member;

of the facility; and

(C) the contact person is available to a:

(i) student;

(ii) parent or guardian of a student; or

(iii) staff member;

of the facility for information and comment.

(4) A statement that every student, a parent or guardian of every student, and every staff member will be included on the pesticide notification list.

Sec. 22. (a) The contact person shall develop a pesticide



notification list for the facility.

(b) The pesticide notification list must contain the name and address of every student enrolled in the facility, a parent or guardian of every student enrolled in the facility, and every staff member employed by the facility as of:

(1) the beginning of the school year, for a facility that is closed for at least one (1) month a year; or

(2) September 1, for a facility that is open twelve (12) months a year.

(c) The contact person shall keep the pesticide notification list for each facility current by adding and removing names as needed.

(d) The contact person shall make the pesticide notification list available to the state chemist upon request.

Sec. 23. (a) This section applies to a:

(1) staff member who is employed by the facility; or

(2) student and parent or guardian of a student who is enrolled at the facility;

after the date on which the universal notification was made under section 21 of this chapter.

(b) The contact person shall provide the written information required under section 21 of this chapter to a person described in subsection (a) as soon as possible after the person is employed by or enrolled at the facility.

Sec. 24. Except as provided in sections 25 and 26 of this chapter, not less than forty-eight (48) hours before a pesticide is applied in a facility, the contact person shall provide the following information in writing to each person on the pesticide notification list:

(1) A description of the pest problem.

(2) The common name of the pesticide to be applied.

(3) The planned date and time of application.

(4) A description of the location of the application.

(5) If the pesticide is not addressed in the notice sent under section 21 of this chapter, a brief description of the pesticide to be applied.

(6) A brief description of potential adverse effects based upon the material safety data sheet of the pesticide to be applied, including potential adverse effects of inert ingredients.

(7) The following language: "THE OFFICE OF PESTICIDE PROGRAMS OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY HAS STATED: WHERE POSSIBLE, PERSONS WHO



POTENTIALLY ARE MORE SENSITIVE, SUCH AS PREGNANT WOMEN AND INFANTS LESS THAN TWO (2) YEARS OLD, SHOULD AVOID ANY UNNECESSARY PESTICIDE EXPOSURE."

(8) The name and telephone number of the contact person.

Sec. 25. (a) Except as provided in section 26 of this chapter, the contact person shall inform each person on the pesticide notification list in writing not less than one (1) week before space spraying is used in the facility's building.

(b) The notice required under subsection (a) must be on a separate sheet of paper that is at least eight and one-half (8 1/2) inches by eleven (11) inches in size and must include the following:

- (1) A description of the pest problem.
- (2) The common name of the pesticide.
- (3) The planned date and time of space spraying.
- (4) A description of the location of the application.
- (5) If the pesticide is not addressed in the notice sent under section 21 of this chapter, a brief description of the pesticide to be applied.
- (6) A brief description of potential adverse effects based upon the material safety data sheet of the pesticide to be applied, including potential adverse effects of inert ingredients.
- (7) The following language: "THE OFFICE OF PESTICIDE PROGRAMS OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY HAS STATED: WHERE POSSIBLE, PERSONS WHO POTENTIALLY ARE MORE SENSITIVE, SUCH AS PREGNANT WOMEN AND INFANTS LESS THAN TWO (2) YEARS OLD, SHOULD AVOID ANY UNNECESSARY PESTICIDE EXPOSURE."

(8) The name and telephone number of the contact person.

Sec. 26. (a) A pesticide may be applied in a facility without prior notice if an emergency pest situation exists.

(b) The contact person shall notify each person on the pesticide notification list in writing that a pesticide was applied for emergency pest control:

- (1) not later than twenty-four (24) hours following an emergency pesticide application; or
- (2) on the first day that the facility is open following the emergency pesticide application.

(c) The contact person may provide notice required under subsection (b) to a parent or guardian of a student on the pesticide



notification list by sending a written notice home with the student.

(d) The notice required under subsection (b) must include the following:

- (1) The reason for the emergency application.
- (2) The common name of the pesticide.
- (3) The date and time of the application.
- (4) A description of the location of the application.
- (5) If the pesticide is not addressed in the notice sent under section 21 of this chapter, a brief description of the pesticide that was applied.
- (6) A brief description of potential adverse effects based upon the material safety data sheet of the pesticide that was applied, including potential adverse effects of inert ingredients.
- (7) The following language: "THE OFFICE OF PESTICIDE PROGRAMS OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY HAS STATED: WHERE POSSIBLE, PERSONS WHO POTENTIALLY ARE MORE SENSITIVE, SUCH AS PREGNANT WOMEN AND INFANTS LESS THAN TWO (2) YEARS OLD, SHOULD AVOID ANY UNNECESSARY PESTICIDE EXPOSURE."
- (8) The name and telephone number of the contact person.

Sec. 27. A governing body shall develop an appropriate means of providing notice before using a bait station in a facility. The notice may include a sign posted on the door of the room in which the bait station is placed.

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) The Indiana pesticide review board must establish guidelines required under IC 15-3-3.7-18, as added by this act, not later than January 1, 2000.

(b) This section expires December 31, 1999.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this section, "governing body" means the following:

- (1) The governing body of a school corporation (as defined in IC 20-10.1-1-5).
- (2) The governing body of a nonpublic school.
- (3) The licensee of a day care center licensed under IC 12-17.2.
- (4) The organization that operates a preschool child care program defined in IC 12-17-13-3.

(b) Notwithstanding IC 15-3-3.7, as added by this act, a governing body is not required to follow the procedures established



in IC 15-3-3.7, as added by this act, until July 1, 2000.

(c) This section expires June 30, 2000.

SECTION 4. [EFFECTIVE JULY 1, 1999] (a) This section applies after a governing body has developed an integrated pest management system required under IC 15-3-3.7-19, as added by this act.

(b) As used in this section, "governing body" means the following:

(1) The governing body of a school corporation (as defined in IC 20-10.1-1-5).

(2) The governing body of a nonpublic school.

(3) The licensee of a day care center licensed under IC 12-17.2.

(4) The organization that operates a preschool child care program defined in IC 12-17-13-3.

(c) During the first two (2) years that a governing body follows an integrated pest management system, the governing body shall provide an opportunity for the contact person designated under IC 15-3-3.7-20, as added by this act, to receive and address public comments regarding the integrated pest management system at least one (1) time each year:

(1) at a regularly scheduled meeting of the governing board; or

(2) if the governing board does not have a regularly scheduled meeting, at a special meeting called specifically for the purpose described in this subsection.

(d) Notice of the meeting described in subsection (c) must be included in the universal notification required under IC 15-3-3.7-21, as added by this act.

(e) This section expires September 30, 2001.

SECTION 5. [EFFECTIVE UPON PASSAGE] (a) As used in this section, "governing body" means the following:

(1) The governing body of a school corporation (as defined in IC 20-10.1-1-5).

(2) The governing body of a nonpublic school.

(b) As used in this section, "school" includes the following:

(1) A public school (as defined in IC 20-10.1-1-2).

(2) A nonpublic school (as defined in IC 20-10.1-1-3).

(c) Not later than July 1, 1999, the department of education must provide notice to the governing body of each school in the state that informs the governing body of its responsibilities under IC 15-3-3.7, as added by this act.

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- 1 **(d) This section expires July 1, 1999.**
2 **SECTION 6. An emergency is declared for this act.**

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